

APR 19 2006

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TIMOTHY RAY GLOVER,

Defendant - Appellant.

No. 04-10223

D.C. No. CR-94-05078-REC

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TIMOTHY RAY GLOVER,

Defendant - Appellant.

No. 05-10702

D.C. No. CR-94-05078-REC

MEMORANDUM^{*}

Appeal from the United States District Court
for the Eastern District of California
Robert E. Coyle, Senior Judge, Presiding

Submitted April 5, 2006^{**}

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Before: HAWKINS, McKEOWN and PAEZ, Circuit Judges.

Timothy Ray Glover appeals from two judgments of the district court which revoked his supervised release. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Glover's arguments are foreclosed by *Johnson v. United States*, 529 U.S. 694, 713 (2000), which held that both custody and an additional term of supervised release could be imposed when the district court revoked supervised release. We reject Glover's attempt to limit the application of *Johnson*.

AFFIRMED.